



**DESIGN & CONSTRUCTION GROUP  
THE GOVERNOR NELSON A. ROCKEFELLER  
EMPIRE STATE PLAZA  
ALBANY, NY 12242**

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**ADDENDUM NO. 3 TO PROJECT NO. 45884**

**ELECTRICAL WORK  
PROVIDE FIRE ALARM SYSTEM  
VARIOUS OGS FACILITIES**

August 15, 2023

<p><b>NOTE:</b> This Addendum forms a part of the Contract Documents. Insert it in the Project Manual. Acknowledge receipt of this Addendum in the space provided on the Bid Form.</p>
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**CHANGES TO ADDENDUM NO. 2**

1. Page 078100 – 2, Article 1.05.A., Add the Following Sub-Paragraph:

“4. Certifications: All Work shall be performed by applicators possessing a current Allied-Trade certificate.”

**SPECIFICATIONS**

2. Page 028213 – 2, Change Paragraph 1.03 D. to Read:

“D. New York State Department of Labor (DOL): Industrial Code Rule 56.

1. The Department of Labor has issued a Site Specific Variance (Files No. 23-0946 and No. 23-0953), subject to conditions, for the portion of the Work of this Project involving asbestos containing materials. A copy of the DOL approved Site Specific Variance is included in the Appendix.”

3. Page 011000 – 2, Change Paragraph 1.08 A. to Read:

“A. Work hours shall be as established by the Facility authorities through the Director’s Representative. Work hours are from 10 p.m. to 6 a.m. Monday – Friday. Allow for 10 days of unplanned work stoppages per Facility requirements”

**APPENDIX**

4. ABRAMS BUILDING VARIANCE FILE NO. 23-0946: Add the accompanying Document (pages 1-10) to the Project Manual.

5. LESGISLATIVE OFFICE BUILDING VARIANCE FILE NO. 23-0953: Add the accompanying Document (pages 1-12) to the Project Manual.

**END OF ADDENDUM**

Brady M. Sherlock, P.E.  
Director, Division of Design  
Design & Construction

STATE OF NEW YORK  
DEPARTMENT OF LABOR  
STATE OFFICE BUILDING CAMPUS  
ALBANY, NEW YORK 12240-0100

Variance Petition

of

Adelaide Environmental Health Associates, Inc.  
Petitioner's Agent on Behalf of

NYS OGS Real Property Management  
Petitioner

in re

Premises: Robert Abrams Building for Law and Justice  
Empire State Plaza  
Albany, New York 12210

**Interior ACM Abatement**

File No. 23-0946

DECISION

Cases 1-2

ICR 56

The Petitioner, pursuant to Section 30 of the Labor Law, having filed Petition No. 23-0946 on July 27, 2023 with the Commissioner of Labor for a variance from the provisions of Industrial Code Rule 56 as hereinafter cited on the grounds that there are practical difficulties or unnecessary hardship in carrying out the provisions of said Rule; and the Commissioner of Labor having reviewed the submission of the petitioner dated July 24, 2023 and;

Upon considering the merits of the alleged practical difficulties or unnecessary hardship and upon the record herein, the Commissioner of Labor does hereby take the following actions:

Case No. 1  
Case No. 2

ICR 56-7.11 (f) (1)  
ICR 56-9.2 (d) Limited

VARIANCE GRANTED. The Petitioner's proposal for ACM removal at the subject premises in accordance with the attached 7-page stamped copy of the Petitioner's submittal, is accepted; subject to the Conditions noted below:

### **THE CONDITIONS**

1. As written with modifications noted.
2. Usage of this variance is limited to those asbestos removals identified in this variance or as outlined in the Petitioner's proposal.

In addition to the conditions required by the above specific variances, the Petitioner shall also comply with the following general conditions:

### **GENERAL CONDITIONS**

1. A copy of this DECISION and the Petitioner's proposals shall be conspicuously displayed at the entrance to the personal decontamination enclosure.
2. This DECISION shall apply only to the removal of asbestos-containing materials from the aforementioned areas of the subject premises.
3. The Petitioner shall comply with all other applicable provisions of Industrial Code Rule 56-1 through 56-12.
4. The NYS Department of Labor Engineering Service Unit retains full authority to interpret this variance for compliance herewith and for compliance with Labor Law Article 30. Any deviation to the conditions leading to this variance shall render this variance Null and Void pursuant to 12NYCRR 56-12.2. Any questions regarding the conditions supporting the need for this variance and/or regarding compliance hereto must be directed to the Engineering Services Unit for clarification.

5. This DECISION shall terminate on July 31, 2024.

Date: July 31, 2023

ROBERTA L REARDON  
COMMISSIONER OF LABOR

By

*Mark J. Wykes, P.E.*

Mark Wykes, P.E.  
Professional Engineer 1 (Industrial)

PREPARED BY: Timothy Donlon, P.E.  
Professional Engineer 2 (Industrial)

REVIEWED BY: Mark Wykes, P.E.  
Professional Engineer 1 (Industrial)



New York State Department of Labor  
Division of Safety and Health - Engineering Services Unit  
Building 12, Room 159  
State Office Campus  
Albany, N.Y. 12240

## Petition for an Asbestos Variance

To apply for an asbestos variance the Project Designer must:

- Complete all of the information on pages one and two of this asbestos variance request. Please type or print.
- Sign and date page two of the certification and all of the attachments.
- Send two copies of the petition and all attachments, with your \$350 fee, to the address at the top of this page.
  - Make your check or money order payable to the Commissioner of Labor.
- Optional: To speed up the process you may include a self-addressed, stamped, express-mail envelope.

1a. Is this petition related to a safety or health emergency? ☐ Yes ☒ No

b. If yes, explain: \_\_\_\_\_

2a. Name of Petitioner, (Property Owner): OGS Real Property Management

b. Street Address: Empire State Plaza, Corning Tower

c. City: Albany

d. State: NY e. Zip: 12242

f. Telephone Number: ( ) -

g. Fax Number: ( ) -

h. Petitioner's Federal Employee Identification Number (FEIN) \_\_\_\_\_

3a. Petitioner's Agent (Asbestos Contractor) Firm Name: Adelaide Environmental Health Associates, Inc.

b. Street Address: 1511 Route 22, Suite C24

c. City: Brewster

d. State: NY e. Zip: 10509

f. Telephone Number: ( 845 ) 278 - 7710

g. Fax Number: ( 845 ) 278 - 7750

4a. Asbestos Contractor License No. 29305

b. Name of Firm: Adelaide Environmental Health

### 5. Building Description:

a. Affecting premises known as: Robert Abrams Building for Law and Justice

b. These premises are situated on the \_\_\_\_\_ North, \_\_\_\_\_ South, \_\_\_\_\_ East, \_\_\_\_\_ West side of \_\_\_\_\_ Street, \_\_\_\_\_ Ave, \_\_\_\_\_ Road.

c. County of Albany

d. Street Address: Empire State Plaza

e. City Albany

f. State: NY g. Zip 12210

h. Is building occupied? ☒ Yes ☐ No

i. Current function of building: offices

j. Approximate area (square feet) of building: 266,000 k. Number of stories or height in feet: 12

l. What is within 25 feet of all four sides (North, South, East, West) of building? i.e. sidewalk, alley, land, another building, etc.: Lawn, Building, Road (2 Sides)

### 6. Order To Comply or Notice of Violation. Attach copy.

a. Issued to: \_\_\_\_\_ Owner \_\_\_\_\_ Asbestos Contractor \_\_\_\_\_ Operator \_\_\_\_\_ Other

b. Name on Order or Notice: \_\_\_\_\_ c. Date issued: / /

d. List the Industrial Code Rule (ICR) citations given on the Order to Comply or Notice of Violation: \_\_\_\_\_

### 7. If a variance has been granted previously for work closely resembling this project list:

a. Variance number: 19-0494 b. Date variance granted: 4/17/2019

Note: Add a separate typed or printed page for each work area and work procedure. Sign and date each page.

**8. Work Area Description Table:** Attach additional tables and scale drawings of work area and pictures, as needed.

Work Area Designation	Exterior or Interior	Work/Room Area Dimensions	Type of Asbestos Containing Material (ACM)	Quantity of ACM	Condition of ACM (level of damage)	Friability of ACM (non-friable or friable)	Type of Containment (full, 2-layer tent, single layer tent, open-air, etc.)
See Attached							

**9. ICR 56 Relief Sought:** List the individual sections of ICR 56 for which relief is sought, for each work area or method used. Provide sufficient detail in an attachment. (see attached)

**10. Hardship Description:** What is the hardship, (e.g. Limited room for decons, exhaust ducts must be longer than 25 feet, all surfaces are contaminated and cannot be plasticized) for each work area or method used? Provide sufficient detail in an attachment. Include condemnation letter or EPA Approval letter if applicable. (see attached)

**11. Proposed Abatement Method Description for each work area or method used.** Include scale drawings and pictures as necessary. Lack of sufficient detail will delay issuance of variance decision.

- a. Will proposed abatement methods render non-friable ACM material friable? Yes ☒ No
- b. What proposed abatement method, increased engineering controls and detailed procedures will be used to compensate for the relief being sought? (i.e. Increased negative air rate, negative pressure glovebag, negative pressure glovebox, high temperature glovebag, intact component removal, etc.) Include sufficiently detailed procedures to complete the proposed work. (see attached)

(see attached)

## Project Designer Certification

I request that the Commissioner of Labor issue a variance from the requirements of Industrial Code Rule (ICR) 56. This request is based on the information in this application and the attached documents.

**I certify that the information contained in this petition is true and accurate.**

I understand that if a variance is granted it may be withdrawn by the Commissioner:

- if any of the information provided in this petition is found to be inaccurate or
- if there are violations of Article 30 of the New York State Labor Law or New York State regulations.

I give the Commissioner of Labor permission to provide all of my companies records for Unemployment Insurance (U.I.) reports and contributions to employees of the New York State Department of Labor. This includes information about withholding, wage reporting, U.I. returns, U.I. registration, New Hires, and all records of U.I. delinquencies. This information may only be used for government purposes regarding the licensing and certification of this company as required by Article 30 of the New York State Labor Law and the regulations of the New York State Department of Labor, and for monitoring the company's compliance with Article 30 and ICR 56.

12 a. Project designer name (print): Jason Fullum

b. Project Design Asbestos Contractor firm name: Adelaide Environmental Health Associates, Inc.

c. Street: 1511 Route 22, Suite C24

d. City: Brewster

e. State: NY

f. Zip: 10509

g. Phone: ( 845 ) 278 - 7710

h. Designer certificate number: 97-20574

i. Expiration Date: 02 / 28 / 2024

j. Design Firm Asbestos Contractor License Number 29305

k. Expiration Date: 07 / 31 / 2024

13 a. Project designer signature: 

b. Date: 7/24/2023

State of New York - Department of Labor  
 Division of Safety and Health  
 Engineering Services Unit  
 State Office Building Campus  
 Albany, NY 12240

July 24, 2023

Re: Petition for Variance – Robert Abrams Building for Law and Justice – Fire Alarm System

### Question 9 - Reason for Request

**Nature of Work:** The asbestos work is to be performed in the Robert Abrams Building for Law and Justice in Albany, New York. There are renovations planned for fire alarms within the building. This is an active building and the asbestos work will be in phases throughout the building. The removals will include only partial removal of the spray on fireproofing on the beams above the ceiling to attach a clamp and bridal ring for the fire alarm wire to go through and will require relief from certain sections of NYS Code Rule 56.

Based on the above information and reasoning, we are requesting relief from standard full containment requirements during the removal of the referenced materials. We feel the requested relief is justified and the proposed abatement means and methods outlined in Question 11 (attached) are sufficient to contain any asbestos fibers that may be released during abatement activities and will sufficiently protect the Abatement Workers, Facility Employees/Occupants and the General Public. Specific Relief is requested from the following sections:

<u>Section - Title</u>	<u>Reason / Proposed Plan for Protection w/o literal compliance</u>
56-7.11(f)(1)	The negative pressure tent will only go up to the underside of the ceiling as it can not be attached to the spray on fireproofing that is above.
56-9.2(d) <b>Limited</b>	Friable spray on fireproofing will still be in the work area and aggressive sampling can not be performed.

See below requirements for soft seal and aggressive air sampling

Proposed means and methods for abatement operations are present in Question 11.

#### **Full-Time Project Monitor**

1. A full-time independent project monitor (PM) shall be on site and is responsible for oversight of the abatement contractor during all abatement activities to ensure compliance with ICR 56 requirements and variance conditions.
2. In addition, the PM shall ensure that no visible emissions are generated during abatement activities. If visible emissions are observed, work practices shall be altered according to the PM's recommendations.
3. The PM shall perform the following functions during asbestos abatement projects in addition to functions already required by ICR-56:
  - a. Inspection of the interior of the asbestos project work area made at least twice every work shift accompanied by the Asbestos Supervisor.
  - b. Observe and monitor the activities of the asbestos abatement contractor to determine that proper work practices are used comply all applicable asbestos laws and regulations.
  - c. Inform the asbestos abatement contractor of work practices that, in the PM's opinion, pose a threat to public health or the environment, and are not in compliance with ICR-56 and/or approved variances or other applicable asbestos rules and/or regulations.
  - d. Document in the Project Monitor Log observations and recommendations made to the Asbestos Supervisor based upon the interior/exterior observations of the asbestos project made by the PM.
  - e. Duties specified in variances issued for the project.
4. The PM shall alert the local District Office of the NYSDOL Asbestos Control Bureau whenever, after the PM has provided recommendations to the Asbestos supervisor, unresolved conditions remain at the asbestos project site which present a significant potential to adversely affect human health or the environment.
5. The PM is not onsite to direct the abatement workers in their work. That is the responsibility of the Contractor's designated Supervisor. The ultimate caliber of work performance and quality of the completed project is the responsibility of the contractor who performs the work.
6. The PM is not responsible for enforcing Local, State, Industry, or Federal regulations, rules or codes which are not directly applicable to the contracted asbestos abatement activities. These would include, but not limited to, fire codes, electrical codes, building codes, wage rates schedules, etc. While the PM is not responsible for enforcement of these items, the Contractor is still responsible for compliance with such requirements as applicable.
7. The PM is responsible for any duties specified in his/her contract with the Owner.



State of New York - Department of Labor  
Division of Safety and Health  
Engineering Services Unit  
State Office Building Campus  
Albany, NY 12240

July 24, 2023

Re: Petition for Variance – Robert Abrams Building for Law and Justice – Fire Alarm System

#### **Question 10 – Hardship Description**

**Nature of Work:** The asbestos work is to be performed in the Robert Abrams Building for Law and Justice in Albany, New York. There are renovations planned for fire alarms within the building. This is an active building and the asbestos work will be in phases throughout the building. The removals will include only partial removal of the spray on fireproofing on the beams above the ceiling to attach a clamp and bridal ring for the fire alarm wire to go through and will require relief from certain sections of NYS Code Rule 56.

In addition, the work needs to continue in a timely manner in order to install the new fire alarm system and turn the work areas back over to the client.

For attachment of tent/barrier to surfaces with friable ACM, appropriate rigid framing shall be used to construct the structure to within one inch of the friable ACM material. A minimum 2-inch-thick closed cellular compressible foam padding shall be attached to the framing and then the framing shall be pressure-fit in place using the compressible foam padding for a soft-seal at the tent/friable ACM surface interface. The friable ACM surface shall not be disturbed during this pressure-fit procedure. A HEPA vacuum shall be available at the location for any potential disturbance during construction. Once the framing is installed the remainder of the tent/barrier construction shall be completed.

Wet methods shall be utilized during removals.

In lieu of post-abatement clearance air monitoring, the most recent daily abatement air samples collected during all removals and cleaning operations in the regulated work area, shall be used for comparison with ICR 56-4.11 clearance criteria. All other applicable provisions of ICR 56-4 shall be followed for the duration of the abatement project.

**If aggressive air sampling methods will disturb the fireproofing then relief from ICR 56-9.2(d) is allowed and will require that daily air samples be taken during ACM removals**

State of New York - Department of Labor  
Division of Safety and Health  
Engineering Services Unit  
State Office Building Campus  
Albany, NY 12240

July 24, 2023

Re: Petition for Variance – Robert Abrams Building for Law and Justice – Fire Alarm System

### **Question 11 - Proposed Methods**

As stated in Question 9, the asbestos containing materials to be affected as a part of the renovation project at the Robert Abrams Building for Law and Justice fire alarm project is the spray on fireproofing above the ceiling. We propose the following work methods be utilized during removal operations in the specified areas:

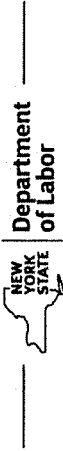
The following materials and associated quantities are to be included in the abatement:

- Spray On Fireproofing: 3 inch by 3 inch section – 2,040 locations – 255 square feet total
- A Minor Personal and Waste decontamination unit set-up which complies with ICR 56-7 shall be constructed and attached to the work areas. The unit(s) shall remain operational until satisfactory final clearance visual and/or air sample results are achieved.
- A tent will be constructed up to the ceiling tiles. The tent will be placed under negative pressure utilizing a small negative air machine or a HEPA vacuum. A project monitor will be on site to perform a visual after preparation is complete.
- The ceiling tiles will be removed using wet methods within the tent making an area large enough to work in which will be approximately four square feet. The ceiling tiles will be disposed of as asbestos containing materials.
- Where the clamp and bridal ring will be attached, the asbestos handler will have a separate HEPA vacuum immediately adjacent to the spray on fireproofing and scrape off a three inch square section using wet methods. After the material is removed the clamp and bridal ring will be attached to the beam.
- After a twenty minute waiting period a project monitor will conduct a visual inspection and if it passes will commence with final air sampling. With the spray on fireproofing still intact and within the work area aggressive sampling can not be performed.
- If final air samples pass the area will be broken down. If the samples do not pass another cleaning and another waiting period will take place prior to running the final air clearance.

We request that this variance expire on 7/31/24 or upon the projects completion, whichever comes first.

Utilizing the proposed methods would in no way compromise the security or safety of the General Public, Facility Employees/Occupants, or any workers involved with the project, and would also allow the timely completion of the abatement operations.

If you have any questions or require any additional information, please feel free to contact Jason Fullum of Adelaide Environmental Health Associates at (845) 278-7710.

**WE ARE YOUR DOL**

DIVISION OF SAFETY &amp; HEALTH LICENSE AND CERTIFICATE UNIT, STATE OFFICE CAMPUS, BLDG. 12, ALBANY, NY 12226

# ASBESTOS HANDLING LICENSE

Adelaide Environmental Health Associates, Inc.  
1511 Route 22, Suite C24, Brewster, NY, 10509

License Number: 29305

License Class: RESTRICTED

Date of Issue: 06/07/2023

Expiration Date: 07/31/2024

Duly Authorized Representative: John Soter


This license has been issued in accordance with applicable provisions of Article 30 of the Labor Law of New York State and of the New York State Codes, Rules and Regulations (12 NYCRR Part 56). It is subject to suspension or revocation for a (1) serious violation of state, federal or local laws with regard to the conduct of an asbestos project, or (2) demonstrated lack of responsibility in the conduct of any job involving asbestos or asbestos material.

This license is valid only for the contractor named above and this license or a photocopy must be prominently displayed at the asbestos project worksite. This license verifies that all persons employed by the licensee on an asbestos project in New York State have been issued an Asbestos Certificate, appropriate for the type of work they perform, by the New York State Department of Labor.

A handwritten signature in black ink, appearing to read "Amy Phillips".

Amy Phillips, Director  
For the Commissioner of Labor

STATE OF NEW YORK - DEPARTMENT OF LABOR  
ASBESTOS CERTIFICATE

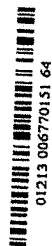


**JASON P FULLUM**  
CLASS(EXPIRES)  
C ATEC(02/24) D INSP(02/24)  
E MGPL(02/24) H PM (02/24)  
I PD (02/24)

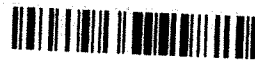
CERT# 07200574  
DMV# J75005930

**MUST BE CARRIED ON ASBESTOS PROJECTS**

REPRODUCTION OF THIS CERTIFICATE IS PROHIBITED



EYES BLU  
HAIR BRO  
HGT 5' 11"



IF FOUND RETURN TO:  
NYSDEL - L&C UNIT  
ROOM 161A BUILDING 12  
STATE OFFICE CAMPUS  
ALBANY NY 12240

STATE OF NEW YORK  
DEPARTMENT OF LABOR  
STATE OFFICE BUILDING CAMPUS  
ALBANY, NEW YORK 12240-0100

Variance Petition

of

Adelaide Environmental Health Associates  
Petitioner's Agent on Behalf of

OGS Real Property  
Petitioner

in re

Premises: Legislative Office Building  
198 State Street  
Albany, New York 12207

**Minor ACM Joint Compound  
Ceiling/Wall/Floor Spot Penetrations**

File No. 23-0953

DECISION

Cases 1-2

ICR 56

The Petitioner, pursuant to Section 30 of the Labor Law, having filed Petition No. 23-0953 on July 27, 2023 with the Commissioner of Labor for a variance from the provisions of Industrial Code Rule 56 as hereinafter cited on the grounds that there are practical difficulties or unnecessary hardship in carrying out the provisions of said Rule; and the Commissioner of Labor having reviewed the submission of the petitioner dated July 27, 2023; and

Upon considering the merits of the alleged practical difficulties or unnecessary hardship and upon the record herein, the Commissioner of Labor does hereby take the following actions:

Case No. 1  
Case No. 2

ICR 56-7.11(f)(1)  
ICR 56-9.2(d)

VARIANCE GRANTED. The Petitioner's proposal for minor size spot penetrations of/to ACM, joint compound/drywall wall and ceiling to allow for installation of building system upgrades at the subject premises in accordance with the attached 8-page stamped copy of the Petitioner's submittal is accepted; subject to the Conditions noted below:

### **THE CONDITIONS**

#### **HEPA-Exhausted Drilling of Ceiling/Wall Spot Removals**

1. Each affected room/area/space shall be vacated for the duration of preparation, drilling and penetration, and cleaning operations and shall be considered a restricted area. Each affected space shall not be reoccupied until receipt of satisfactory air results as detailed below.
2. A decontamination area as per ICR56-11.3 (a) (1) shall be established.
3. A two layer 6-mil drop cloth shall be installed under each drilling/cutting location. Debris shall not be allowed to accumulate on the drop cloth.
4. Power tools shall be manufacturer equipped with HEPA-exhaust attachment, and shall be utilized as per manufacturer's instructions. The negative pressurized drill shield shall be used in combination with a suitable HEPA vacuum for all ACM drilling operations. ACM drilling shall proceed using manufacturer's recommended operating procedures. Wet methods (i.e. shaving cream, foam or other wet method) shall be used at the cut location.
5. All power tools used to disturb ACM shall be HEPA exhausted as per ICR 56-7.2(o).
6. The interior of the power tool dust shroud is the regulated abatement work area for each ACM spot removal location. However, the room/area/space where ACM drilling operations occur is considered to be a restricted area, limited to certified personnel and authorized visitors only, until the asbestos project is complete and satisfactory Supervisor visual inspection have been obtained. The restricted area shall be cordoned off and signage posted in accordance with Subpart 56-7.4(c) of ICR 56.

7. If a ceiling or wall partition is to be penetrated through, then the opposite side of the ceiling or wall partition shall be considered part of the restricted area. The area shall be vacated until the project is complete. Measures (tent or glovebox) shall be taken to capture any debris generated. The area shall be wet wiped, HEPA vacuumed and visually inspected prior to reoccupation.
8. The contractor shall observe, at a minimum, a ten (10) minute waiting (settling/drying) period after removal and cleaning is complete at each location.
9. After removal and cleanings are complete and the work area surface is dry, the Supervisor shall determine if the area is dry and free of visible asbestos debris.
10. Upon completion of a satisfactory visual inspection, all remaining plastic sheeting and tape will be treated as contaminated material and properly disposed of as asbestos waste. Once all remaining work area preparation has been removed, the space may be reoccupied.

Usage of this variance is limited to those asbestos removals identified in this variance or as outlined in the Petitioner's proposal.

In addition to the conditions required by the above specific variances, the Petitioner shall also comply with the following general conditions:

### GENERAL CONDITIONS

1. A copy of this DECISION and the Petitioner's proposals shall be conspicuously displayed at the entrance to the personal decontamination enclosure.
2. This DECISION shall apply only to the removal of asbestos-containing materials from the aforementioned areas of the subject premises.
3. The Petitioner shall comply with all other applicable provisions of Industrial Code Rule 56-1 through 56-12.
4. The NYS Department of Labor Engineering Service Unit retains full authority to interpret this variance for compliance herewith and for compliance with Labor Law Article 30. Any deviation to the conditions leading to this variance shall render this variance Null and Void pursuant to 12NYCRR 56-12.2. Any questions regarding the conditions supporting the need for this variance and/or regarding compliance hereto must be directed to the Engineering Services Unit for clarification.
5. This DECISION shall terminate on August 3, 2024.

Date: August 3, 2023

By

ROBERTA L. REARDON  
COMMISSIONER OF LABOR

*Mark G. Wykes, P.E.*

Mark Wykes, P.E.  
Professional Engineer 1 (Industrial)

PREPARED BY: Timothy Donlon, P.E.  
Professional Engineer 1 (Industrial)

REVIEWED BY: Mark Wykes, P.E.  
Professional Engineer 1 (Industrial)





New York State Department of Labor  
 Division of Safety and Health - Engineering Services Unit  
 Building 12, Room 159  
 State Office Campus  
 Albany, N.Y. 12240

## Petition for an Asbestos Variance

To apply for an asbestos variance the Project Designer must:

- Complete all of the information on pages one and two of this asbestos variance request. Please type or print.
- Sign and date page two of the certification and all of the attachments.
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  - Make your check or money order payable to the Commissioner of Labor.
- Optional: To speed up the process you may include a self-addressed, stamped, express-mail envelope.

1a. Is this petition related to a safety or health emergency? ☐ Yes ☒ No

b. If yes, explain: \_\_\_\_\_

2a. Name of Petitioner, (Property Owner): OGS Real Property Management

b. Street Address: Empire State Plaza, Corning Tower

c. City: Albany

d. State: NY e. Zip: 12242

f. Telephone Number: ( ) -

g. Fax Number: ( ) -

h. Petitioner's Federal Employee Identification Number (FEIN) \_\_\_\_\_

3a. Petitioner's Agent (Asbestos Contractor) Firm Name: Adelaide Environmental Health Associates, Inc.

b. Street Address: 1511 Route 22, Suite C24

c. City: Brewster

d. State: NY e. Zip: 10509

f. Telephone Number: ( 845 ) 278 - 7710

g. Fax Number: ( 845 ) 278 - 7750

4a. Asbestos Contractor License No. 29305

b. Name of Firm: Adelaide Environmental Health

### 5. Building Description:

a. Affecting premises known as: Legislative Office Building

b. These premises are situated on the \_\_\_\_\_ North, ☒ South, \_\_\_\_\_ East, \_\_\_\_\_ West side of ☒ Street, \_\_\_\_\_ Ave, \_\_\_\_\_ Road.

c. County of Albany

d. Street Address: 198 State Street

e. City Albany

f. State: NY g. Zip 12207

h. Is building occupied? ☒ Yes ☐ No

i. Current function of building: offices

j. Approximate area (square feet) of building: 900,000 k. Number of stories or height in feet: 11

l. What is within 25 feet of all four sides (North, South, East, West) of building? i.e. sidewalk, alley, land, another building, etc.: Sidewalk (2 Sides) Road (2 Sides)

### 6. Order To Comply or Notice of Violation. Attach copy.

a. Issued to: \_\_\_\_\_ Owner \_\_\_\_\_ Asbestos Contractor \_\_\_\_\_ Operator \_\_\_\_\_ Other

b. Name on Order or Notice: \_\_\_\_\_

c. Date issued: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

d. List the Industrial Code Rule (ICR) citations given on the Order to Comply or Notice of Violation: \_\_\_\_\_

### 7. If a variance has been granted previously for work closely resembling this project list:

a. Variance number: \_\_\_\_\_

b. Date variance granted: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Note: Add a separate typed or printed page for each work area and work procedure. Sign and date each page.

**8. Work Area Description Table:** Attach additional tables and scale drawings of work area and pictures, as needed.

Work Area Designation	Exterior or Interior	Work/Room Area Dimensions	Type of Asbestos Containing Material (ACM)	Quantity of ACM	Condition of ACM (level of damage)	Friability of ACM (non-friable or friable)	Type of Containment (full, 2-layer tent, single layer tent, open-air, etc.)
See Attached							

**9. ICR 56 Relief Sought:** List the individual sections of ICR 56 for which relief is sought, for each work area or method used. Provide sufficient detail in an attachment. (see attached)

**10. Hardship Description:** What is the hardship, (e.g. Limited room for decons, exhaust ducts must be longer than 25 feet, all surfaces are contaminated and cannot be plasticized) for each work area or method used? Provide sufficient detail in an attachment. Include condemnation letter or EPA Approval letter if applicable. (see attached)

**11. Proposed Abatement Method Description for each work area or method used.** Include scale drawings and pictures as necessary. Lack of sufficient detail will delay issuance of variance decision.

- a. Will proposed abatement methods render non-friable ACM material friable? Yes ☒ No ☐
- b. What proposed abatement method, increased engineering controls and detailed procedures will be used to compensate for the relief being sought? (i.e. Increased negative air rate, negative pressure glovebag, negative pressure glovebox, high temperature glovebag, intact component removal, etc.) Include sufficiently detailed procedures to complete the proposed work. (see attached)

## Project Designer Certification

I request that the Commissioner of Labor issue a variance from the requirements of Industrial Code Rule (ICR) 56. This request is based on the information in this application and the attached documents.

**I certify that the information contained in this petition is true and accurate.**

I understand that if a variance is granted it may be withdrawn by the Commissioner:

- if any of the information provided in this petition is found to be inaccurate or
- if there are violations of Article 30 of the New York State Labor Law or New York State regulations.

I give the Commissioner of Labor permission to provide all of my companies records for Unemployment Insurance (U.I.) reports and contributions to employees of the New York State Department of Labor. This includes information about withholding, wage reporting, U.I. returns, U.I. registration, New Hires, and all records of U.I. delinquencies. This information may only be used for government purposes regarding the licensing and certification of this company as required by Article 30 of the New York State Labor Law and the regulations of the New York State Department of Labor, and for monitoring the company's compliance with Article 30 and ICR 56.

12 a. Project designer name (print): Jason Fullum

b. Project Design Asbestos Contractor firm name: Adelaide Environmental Health Associates, Inc.

c. Street: 1511 Route 22, Suite C24

d. City: Brewster e. State: NY f. Zip: 10509 g. Phone: ( 845 ) 278 - 7710

h. Designer certificate number: 97-20574 i. Expiration Date: 02 / 28 / 2024

j. Design Firm Asbestos Contractor License Number 29305 k. Expiration Date: 07 / 31 / 2024

13 a. Project designer signature:  b. Date: 7 / 12 / 2023

July 26, 2023

State of New York - Department of Labor  
Division of Safety and Health  
Engineering Services Unit  
State Office Building Campus  
Albany, NY 12240

Re: Petition for Variance – Legislative Office Building – Fire Alarm System

**Question 9 - Reason for Request**

**Nature of Work:** The asbestos work is to be performed in the Legislative Office Building in Albany, New York. There are renovations planned for fire alarms within the building. This is an active building and the asbestos work will be in phases throughout the building. The removals will include the removal and replacement of devices (panels, controls, strobes, horns, signaling devices and the like) and conduits throughout the building and will require relief from certain sections of NYS Code Rule 56.

Based on the above information and reasoning, we are requesting relief from standard full containment requirements during the removal of the referenced materials. We feel the requested relief is justified and the proposed abatement means and methods outlined in Question 11 (attached) are sufficient to contain any asbestos fibers that may be released during abatement activities and will sufficiently protect the Abatement Workers, Facility Employees/Occupants and the General Public. Specific Relief is requested from the following sections:

<u>Section - Title</u>	<u>Reason / Proposed Plan for Protection w/o literal compliance</u>
56-7.11(f)(1)	There will only be barrier tape and drop cloths for the work areas.
56-9.2(d)	Daily air samples will be used as the final air clearance.

Proposed means and methods for abatement operations are present in Question 11.

July 26, 2023

State of New York - Department of Labor  
Division of Safety and Health  
Engineering Services Unit  
State Office Building Campus  
Albany, NY 12240

Re: Petition for Variance – Legislative Office Building – Fire Alarm System

**Question 10 – Hardship Description**

**Nature of Work:** The asbestos work is to be performed in the Legislative Office Building in Albany, New York. There are renovations planned for fire alarms within the building. This is an active building and the asbestos work will be in phases throughout the building. The removals will include the removal and replacement of devices (panels, controls, strobes, horns, signaling devices and the like) and conduits throughout the building and will require relief from certain sections of NYS Code Rule 56.

In addition, the work needs to continue in a timely manner in order to have the spaces available for the next morning for people to occupy.

July 26, 2023

State of New York - Department of Labor  
Division of Safety and Health  
Engineering Services Unit  
State Office Building Campus  
Albany, NY 12240

Re: Petition for Variance – Legislative Office Building – Fire Alarm System

### **Question 11 - Proposed Methods**

As stated in Question 9, the asbestos containing materials to be affected as a part of the renovation project at the Legislative Office Building fire alarm project is the removal and replacement of devices (panels, controls, strobes, horns, signaling devices and the like) and conduits throughout the building. We propose the following work methods be utilized during removal operations in the specified areas:

The following materials are to be included in the abatement:

- There is asbestos in the joint compound of the drywall and in the wallpaper throughout the building and there is asbestos in the spray on fireproofing debris on top of the ceilings throughout the building.
- Each work area will be a minor work area. A Minor Personal and Waste decontamination unit set-up which complies with ICR 56-11.3(e)(1) shall be constructed and attached to the work areas. The unit(s) shall remain operational until satisfactory final clearance visual and/or air sample results are achieved.
- The work area will be cordoned off with barrier tape and asbestos signs 25 feet in all directions except where it is not feasible to do so. A drop cloth will be used directly below the removal areas and extended ten feet in all directions. Shaving cream or foam will be used for any removal/installation/disturbance of materials.
- All equipment to be used (drills, screw guns, etc.) will be HEPA manufacturer equipped with a HEPA vacuum attached.
- Any ceiling mounted fire/smoke/heat detectors, mounting plates and the like will be disposed of as asbestos after removed. The cavity will be infilled with foam to make it air tight and a blank cover attached labeled with an asbestos warning label.
- Any wall fire alarm devices (panels, controls, strobes, horns, signaling devices, etc.) and associated conduit (if any) will be disposed of as asbestos. The wall penetrations will be sealed with caulk/sealant and the ceiling penetrations will be infilled with foam to make them airtight.
- All surface mounted devices to be installed such as backplates, supports, conduits and raceways will be installed by the asbestos contractor.
- Daily air samples will be run during the entire work shift. These samples will then be analyzed by a laboratory prior to any breakdown of the work areas.
- If the samples do not pass the clearance criteria then they will be run again after the work is cleaned using HEPA vacuums and wet wiping techniques.

We request that this variance expire on 7/31/24 or upon the projects completion, whichever comes first.

Utilizing the proposed methods would in no way compromise the security or safety of the General Public, Facility Employees/Occupants, or any workers involved with the project, and would also allow the timely completion of the abatement operations.

If you have any questions or require any additional information, please feel free to contact Jason Fullum of Adelaide Environmental Health Associates at (845) 278-7710.

STATE OF NEW YORK - DEPARTMENT OF LABOR  
ASBESTOS CERTIFICATE

N.Y.S.

**JASON P FULLUM**

CLASS(EXPIRES)

C ATEC(02/24) D INSP(02/24)

E MGPL(02/24) H PM (02/24)

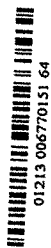
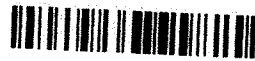
I PD (02/24)

CERT# 07-20874

DMV# JT5065838

**MUST BE CARRIED ON ASBESTOS PROJECTS**

REPRODUCTION PROHIBITED



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HGT 5' 11"

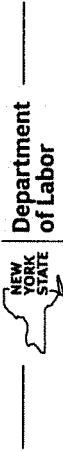
IF FOUND RETURN TO:

NYSDEL - L&amp;C UNIT

ROOM 161A BUILDING 12

STATE OFFICE CAMPUS

ALBANY NY 12240

**WE ARE YOUR DOL**

DIVISION OF SAFETY &amp; HEALTH LICENSE AND CERTIFICATE UNIT, STATE OFFICE CAMPUS, BLDG. 12, ALBANY, NY 12226

# ASBESTOS HANDLING LICENSE

Adelaide Environmental Health Associates, Inc.  
1511 Route 22, Suite C24, Brewster, NY, 10509

License Number: 29305

License Class: RESTRICTED

Date of Issue: 06/07/2023

Expiration Date: 07/31/2024

Duly Authorized Representative: John Soter

This license has been issued in accordance with applicable provisions of Article 30 of the Labor Law of New York State and of the New York State Codes, Rules and Regulations (12 NYCRR Part 56). It is subject to suspension or revocation for a (1) serious violation of state, federal or local laws with regard to the conduct of an asbestos project, or (2) demonstrated lack of responsibility in the conduct of any job involving asbestos or asbestos material.

This license is valid only for the contractor named above and this license or a photocopy must be prominently displayed at the asbestos project worksite. This license verifies that all persons employed by the licensee on an asbestos project in New York State have been issued an Asbestos Certificate, appropriate for the type of work they perform, by the New York State Department of Labor.

A handwritten signature in black ink, appearing to read "Amy Phillips".

Amy Phillips, Director  
For the Commissioner of Labor